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TO: Lester A. Snow

FAX NUMBER: 916-654-9780 OFFICE NUMBER: 916-657-2666

FROM: Kanna L. Harrigfeld, Esq.

DATE TRANSMITTED: 9-23-99 FILE NUMBER: 1026-015

DOCUMENT: Letter of 9/23 re: SEWD Comments on Draft EIR/EIS

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Karna E. Harrigfeld
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September 23, 1999

VIA FACSIMILE AND U.S. MAIL

Mr. Lester A. Snow
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Re: CALFED Bay-Delta Program – Draft Programmatic Environmental Impact Statement/Environmental Impact Report

Dear Mr. Snow:

The following are comments of the Stockton East Water District (SEWD) to the June 1999 Draft Programmatic Environmental Impact Statement/Environmental Impact Report (Draft PEIS/EIR) for the CALFED Bay-Delta Program. These comments should be considered in addition to the previous comments submitted by SEWD over the course of the past four years.

GENERAL COMMENTS

San Joaquin River Water Quality

SEWD believes that CALFED's first priority must be to improve San Joaquin River water quality and water supply. CALFED should not be funded if the first stage of funding does not ensure that the following actions are taken:

- South Delta barriers are installed and operated as needed for water quality, water levels and dissolved oxygen.
- Assurance that the dissolved oxygen problem in Stockton is resolved.
- Funding for the establishment and implementation of salinity standards on the entire stem of the San Joaquin River is provided.

CALFED's mission is to restore ecological health to the Bay-Delta. A comprehensive solution to San Joaquin River issues is an essential component of this process; no plan to

improve the Delta can succeed without it. This comprehensive solution must be imbedded in CALFED before CALFED and its other components can proceed.

Area of Origin

In light of the sheer volume of documents that encompass the latest CALFED Draft PEIS/EIR and SEWD's extensive comments that have been made in the past on area of origin issues, it was with much surprise that the Draft PEIS/EIR was once again completely devoid of any analysis of the impacts on area of origin water right holders. Not only does the Draft PEIS/EIR totally disregard any discussion of area of origin concerns; the Draft PEIS/EIR is completely biased in its conclusions that any water supply benefits derived from implementation are presumed to result in increased exports of water south of the Delta.

CALFED's solution principles require equity, no redirected impacts, and reduction of conflicts in the system. In order to be consistent with these principles, any enhancement in water supply reliability for Delta exporters must also include water supply reliability for areas of origin; any improvements in water quality for Delta exports must also include water quality improvements for areas of origin. The CALFED concepts of equity and balance must be adhered to at every level, particularly since the program is dealing with public funds.

It is important to note that San Joaquin County is within the "watershed of origin" of the Stanislaus River under State law and has the right to have its water needs met prior to the needs of exporters or Bay-Delta mitigation for adverse impacts caused by exporters. SEWD has filed for priority water rights under the "watershed of origin" laws from the Stanislaus River. In implementing the CALFED Bay-Delta program, the priority rights of those in the area of origin should be considered and the CALFED program should not diminish the water rights of those in the area of origin.

CALFED BAY-DELTA PROGRAM DRAFT PEIS/EIR

Chapter 5.1 – Water Supply and Water Management

5.1.3 Affected Environment/Existing Conditions
5.1.3.4 San Joaquin River Region – Stanislaus River

The description of water users on the Stanislaus River is incomplete. SEWD has a contract with the Bureau of Reclamation for 75,000 acre feet of water from New Melones Reservoir. The reference to diversions at Goodwin Dam to Oakdale and South San Joaquin Irrigation Districts should also include the diversions by the SEWD.

5.1.4 Assessment Methods
5.1.4.1 Tools – Bay-Delta Hydrodynamic and Water Quality Modeling

Page 5.1.19: The reference to the Calaveras River as being a source of freshwater on the same plain as the Sacramento, Mokelumne and San Joaquin is a grossly inaccurate comparison. Inclusion of the Calaveras River should be deleted as during many of the summer months, no hydraulic continuity exists between the Calaveras River and the Delta.

5.1.4.4 Approach

Page 5.1-24: The Draft PEIS/EIR uses the DWRSIM to evaluate the effects of adding new facilities and changing existing facilities operating criteria on Central Valley flows, existing and new reservoir storage operations, Delta exports and outflow and required water acquisitions. The model was also used to assess changes in water deliveries to South-of-Delta SWP and CVP water users. However, nowhere in this chapter is there specific analysis of the water delivery impacts to other CVP water contractors from implementation of the Program alternatives. This analysis must be included in any revised document to fully understand the impacts to water supply from implementation of the Program alternative.

5.1.7 Consequences: Program Elements Common to All Alternatives
5.1.7.3 Sacramento River and San Joaquin River Regions

In light of the CALFED's solution principles that require equity, no redirected impacts, and reduction of conflicts in the system, how can implementation of the Ecosystem Restoration Program reduce water supplies available for diversion from rivers and the Delta in the San Joaquin River region, but increase the amount of water available for delivery to South-of-Delta SWP and CVP Service areas? More importantly, how will altering the management of New Melones Reservoir to provide more water for environmental purposes impact water deliveries to New Melones CVP contractors?

5.1.8 Consequences: Program Elements that Differ Among Alternatives
Sacramento River and San Joaquin River Regions

How are the increased water supply needs in the area of origin considered in the analysis under this chapter? It appears that any increase in water supply will be directed to SWP and CVP water deliveries south of the Delta; once again, demonstrating the bias of this document toward increasing export without considering the supply of in basin and area of origin users. Area of origin water users needs must be addressed and provided for in the long-term solution for the Bay-Delta.

Page 5.1.41: Why are all new San Joaquin River Region storage facilities dedicated to providing water for Ecosystem Restoration Program flow targets, when in other regions, new storage is used for increased water supply?

Page 5.1.43-44: Under the discussion of the South-of-Delta SWP and CVP Service areas, implementation of Alternative 1 with or without storage increases the annual long-term Delta deliveries. How can this increase be reconciled under the CALFED solution principles when there is a reduction in water supply to the San Joaquin Region by implementation of the Ecosystem Restoration Program?

5.1.8.4 Preferred Program Alternative
Sacramento River and San Joaquin River Regions

Page 5.1-64: Why are all new San Joaquin River Region storage facilities dedicated to providing water for Ecosystem Restoration Program flow targets, when in other regions new storage is used for increased water supply?

Chapter 5.2 – Bay-Delta Hydrodynamics and Riverine Hydraulics

5.2.3 Affected Environment/Existing Conditions
5.2.3.1 Delta Region

Page 5.2-3: The reference to the Calaveras River as being tributary that directly discharges into the Delta in the same manner as the Sacramento, San Joaquin, Mokelumne and Cosumnes Rivers is a grossly inaccurate comparison. Inclusion of the Calaveras River should be deleted as during many of the summer months, no hydraulic continuity exists between the Calaveras River and the Delta.

5.2.8 Consequences: Program Elements that Differ Among Alternatives
Sacramento River and San Joaquin River Regions

Page 5.2-29-30: Why do the releases from new surface water storage in the San Joaquin River Region occur primarily in spring? Does any of CALFED program alternatives consider the development of new surface water storage for the purpose of water supply to the region?

5.2.8.4 Preferred Program Alternative
Sacramento River and San Joaquin River Regions

Page 5.2-50: Why do the releases from new storage facilities developed under the Preferred Alternative occur in the spring? Is any water developed used for water supply purposes?

Chapter 5.3 – Water Quality

5.3.7 Consequences: Program Elements Common to All Alternatives
5.3.7.1 Ecosystem Restoration Program

The Water Quality Program Plan states that implementation of portions of the CALFED Ecosystem Restoration Program, particularly the creation of wetlands, could change the salinity outflow characteristics and reduce the amount of fresh water available to repel salinity which would have an adverse impact on drinking water quality. Why is this not analyzed in the Draft PEIS/EIR? If more freshwater will be needed in order to repel salinity, where will this water come from?

Page 5.3-24: The Draft PEIS/EIR notes that replacing irrigated cropland with wetlands could result in a net increase in water salinity because evaporation would increase. Will implementation of the some of the Ecosystem Restoration Program elements require increased releases from New Melones to meet the water quality standard at Vernalis? How will altering the management of New Melones to provide more water for environmental purposes impact water deliveries to New Melones CVP contractors?

Page 5.3-24: The Draft PEIS/EIR states that the increase in salinity would marginally reduce the suitability of Delta and Sacramento and San Joaquin River waters as sources of municipal and agricultural water supply. The Draft PEIS/EIR goes on to state that potentially significant impacts can be mitigated to less than significant. Please explain how these potentially significant impacts will be mitigated.

5.3.7.2 Water Quality Program

The Water Quality Program Plan recognizes that where water conservation measures (such as on-farm recycling) are used, surface agricultural runoff will, in general, be more saline than in areas not using recycling. The resulting affect is that a lower volume of water may be discharged through the use of conservation and recycling measures and that water, both surface and subsurface drainage, will have elevated salt concentrations. How will these increased salinity concentrations be mitigated? Will the increase in salinity concentrations require more releases of water from New Melones to dilute the pollution? Currently, significant water releases are made from New Melones Reservoir for the purpose of diluting pollution in the San Joaquin River in violation of California law.

Actions that result in increasing the salinity levels in the San Joaquin River should not be implemented and proactive measures to reduce the salinity levels in agricultural drainage must be implemented instead. Moreover, the responsibility for diluting the pollution in the San Joaquin River should rest on those responsible for causing the pollution, not shifted to others that have not contributed to the salinity water quality problem in the San Joaquin River.

5.3.7.4 Water Use Efficiency Program

Page 5.3-27: The Draft PEIS/EIR notes that increased efficiency would adversely affect water quality when the volume of tailwater discharged to a stream is reduced but the mass load of salts in the discharge remains the same. How will the adverse impact be mitigated? What specific water quality improvements contemplated will reduce these adverse impacts? The notion that "increasing fresh-water releases from reservoirs to provide more dilution water" is an acceptable mitigation is wholly unrealistic, and more importantly, illegal. How can the increased use of high quality water from reservoirs be reconciled with CALFED's articulated solution principles of equity and no redirected impacts?

5.3.8.1 Preferred Program Alternative
San Joaquin River Region

The entire focus of the impacts of the storage and conveyance options is on improved water quality for exports. Will the storage and conveyance options benefit other users in the San Joaquin River region? Will releases from new upstream storage facilities reduce the need to provide dilution flows from New Melones? Will increased water deliveries to San Joaquin Valley farmers south of the Delta increase salt loads and the resultant recycling of salts in the region?

5.3.11 Mitigation Strategies

The mitigation strategies outlined in this section are unsatisfactory. The reliance on "increasing fresh-water releases from reservoirs to provide more dilution flows" or "releasing additional water from storage in existing reservoirs or groundwater basins" for the purpose of mitigating impacts caused by implementation of the Preferred Alternative is completely unacceptable. Especially when the net result of such implementation is to increase the total amount of water exported from the Delta.

Chapter 5.4 – Groundwater Resources

5.4.3 Affected Environment/Existing Conditions
5.4.3.4 San Joaquin River Region

While the introduction to this section makes a passing mention to the fact that the Eastern San Joaquin County groundwater basin has been identified by the Bulletin 118-80 as one of 11 groundwater basins in a state of critical overdraft, the Draft PEIS/EIR discussion of the San Joaquin River region fails to mention the conditions of the basin. This is shocking in light of the number of times SEWD has attempted to educate the CALFED staff.

First, the Eastern San Joaquin County groundwater basin is considered by the State of California to be in a critical state of overdraft (Bulletin 118-80). There are only 11 such basins in the State of California. Given the unique circumstances of this basin, and the serious impacts that implementation of the Preferred Alternative may have on groundwater resources, the Draft PEIS/EIR must specifically address the needs of and impacts to the Eastern San Joaquin County critically overdrafted groundwater basin.

A number of reports have been prepared on the condition of the Eastern San Joaquin County groundwater basin and have reported the following:

1980 Report – Bulletin 118-80

In 1980 the state identified the basin as one subject to critical conditions of overdraft, which means that: **the continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social or economic impacts.**

Further, this report indicated that:

"This basin for many years has experienced overdraft, the adverse effects of which include declining water levels that have induced the movement of poor quality water from the Delta sediments eastward. . . Migration of these saline waters has severely impacted the utility of groundwater. . . Wells have been abandoned and replacement water supplies have been obtained by drilling additional wells generally to the east."

1985 Brown and Caldwell Report

In 1985 a report undertaken by local agencies confirmed that groundwater levels were still declining. Conclusions of the report indicated that:

- Serious overdrafting is continuing.
- The saline front advanced inland approximately one mile between 1963 and 1983.
- Water levels declined at an average rate of 1.7 feet per year during the period from 1947 to 1984, in the areas of the greatest groundwater depression, average water levels were over 60 feet below sea level in 1980.
- If no additional surface water is imported into the service area and all demands are met from groundwater, the groundwater model indicates that water levels will decline to as much as 160 feet below sea level (up to 200 feet below the ground surface) and the saline front will advance approximately an additional two miles by the year 2020.

These reports and studies reveal the critical condition of the future of Eastern San Joaquin County groundwater basin, and the predicted permanent destruction of an additional two miles of that basin if additional sources of supplemental surface water are not obtained. In light of the significance of the problem in the Eastern San Joaquin County groundwater basin, this Draft PEIS/EIR must not only recognize that it exists, but must analyze the affects of implementation of the action proposed on the groundwater basin.

5.4.7 Consequences: Program Elements Common To All Alternatives
5.4.7.7 San Joaquin River Region

Ecosystem Restoration Program

Page 5.4-40-41: The Ecosystem Restoration Program contemplates additional instream flow requirements on tributaries in the San Joaquin River region including the Stanislaus and Calaveras Rivers. However, the Draft PEIS/EIR does not contain a meaningful discussion of the resulting impact to the groundwater basin by the increased reliance on groundwater to supply the unmet demand caused by the diminished surface water supply. How will these significant adverse impacts be mitigated in the already critically overdrafted Eastern San Joaquin groundwater basin? Will further saline intrusion occur or will there be further cones of depression developed by the increased reliance on groundwater?

Storage

Page 5.4-42: Why is there no discussion of the benefits of groundwater recharge and conjunctive use projects that are being considered for development in Eastern San Joaquin County? [See Revised Phase II Report.]

Chapter 6.1 Fisheries and Aquatic Ecosystems

6.1.2 Areas of Controversy

Page 6.1-7: SEWD supports the concept of adaptive management to solve fishery problems in the Bay-Delta ecosystem. However, the concept has yet to be successfully adapted to in-field applications. Hypothesis are implemented under the guise of adaptive management, and never altered when new information is developed. In addition, funds are often lacking for the monitoring which is essential to true adaptive management. Further assurances must be built into the program to insure that adaptive management is not just a catch phrase in the CALFED process, but will be implemented in accordance with its terms.

6.1.4 Assessment Methods

Page 6.1-20: In this section, there is a discussion that the adverse affects of contaminants may be minimized through the discharge during periods of dilution flows as the dilution flows reduce the concentration of contaminants. Dilution of pollution is in violation of state and federal law and cannot be pursued. Moreover, the use of dilution flows has limited ecosystem benefits because contaminants will continue to enter the ecosystem.

Chapter 6.2 – Vegetation and Wildlife

6.2.6 No Action Alternative
6.2.6.4 San Joaquin River Region

Page 6.2-20: The statement that "the New Melones Conveyance Project could reduce water available for release down the Stanislaus River, adversely affecting flow conditions and possible riparian vegetation" is totally incorrect, and simply outrageous. First, the New Melones Conveyance Project was completed in 1992 (three years before CALFED's creation). Second, SEWD has received (and taken in years when water was not reallocated for other unlawful purposes) water deliveries pursuant to its contract with the Bureau of Reclamation since that time. While I am sure you know, one of the purposes of constructing New Melones Reservoir was to supply the local areas with surface water. The Bureau in contracting with SEWD took into account downstream needs and thus, the suggestion that the water delivery to SEWD impacts flow conditions is simply wrong. This statement should be stricken from the Draft PEIS/EIR.

Chapter 7.5 Urban Economics

7.5.3 Affected Environment/Existing Conditions
7.5.3.1 Delta Region

The description regarding the City of Stockton's water supply should be clarified to reflect that SEWD provides M&I water through its treatment to its urban contractors from both the Calaveras and Stanislaus rivers.

7.5.3.4 San Joaquin River Region

As we noted in previous comments on the 1998 Draft PEIS/EIR, the description on page 7.5-15 pertaining to SEWD's contractual entitlement is incorrect. SEWD has a contract with the Bureau of Reclamation for water from the Stanislaus River in the amount of 75,000 acre feet not 38,000 acre feet.

REVISED PHASE II REPORT TECHNICAL APPENDIX

Water Management Strategy - Storage

CALFED's own solution principles include equity, no redirected impacts, and reduction of conflicts in the system. In order to be consistent with these principles, any enhancement in water supply reliability for Delta exporters must also include water supply reliability for areas of origin. The CALFED concepts of equity and balance must be adhered to at every level, particularly since the program is dealing with public funds. Nowhere is this more evident than in the discussion of storage.

Water storage elements, both surface and ground, must be an integral part of the CALFED solution, or CALFED will provide no solution at all. We are pleased with the inclusion in the Phase II Report of the potential development of a groundwater recharge project in Eastern San Joaquin County. We will work with CALFED to insure that appropriate water storage proposals are developed in a timely manner for inclusion in the overall CALFED solution.

However, CALFED continues to place emphasis on "linkages and assurances" which are not appropriate in every instance. CALFED states that storage will not be pursued unless success has been achieved in water use efficiency and water transfers. For areas such as eastern San Joaquin County where water use efficiency is not always appropriate and water transfers are not available, this requirement becomes an unwarranted penalty.

Water Management Strategy: Water Use Efficiency Program

CALFED's Water Use Efficiency Program must recognizes that certain areas, like SEWD, may actually be harmed by blanket increased water use efficiency. The efficient use of surface water is used in Eastern San Joaquin County as a method of recharge for a critically overdrafted groundwater basin. Water that escapes into the ground provides valuable recharge, and CALFED should not require that this recharge be eliminated before San Joaquin County can take advantage of storage opportunities.

IMPLEMENTATION PLAN TECHNICAL APPENDIX

Finance Plan

Area of Origin and Watershed Protection (collectively "Area of Origin") principles must be addressed in the CALFED Financing Strategy. The needs of the Area of Origin are not met by CALFED program components if they are expected to pay the full cost of the project. Again the point must be raised that additional storage would not be needed except that past publicly subsidized water projects have diverted water from the system.

Essentially, the Area of Origin protections allowed the state and federal governments to use public financing to construct their respective water projects and permitted the majority of the water to be exported south of the Delta. This concept was predicated on the fact that when the Area of Origin needed to avail itself of the works constructed by the state and federal governments in order to meet its water needs, it then would be entitled to the water.

Strict application of the CALFED financing proposal would use public money to remedy past damage to the ecosystem under the Baseline approach, potentially providing further subsidies to the state and federal projects. Area of Origin users, however, would receive no subsidy, and would be required to pay the full cost of development of new storage projects needed to meet their needs, including the full cost of environmental mitigation.

Deviation from the beneficiaries pay principle is required to address Area of Origin issues. Such deviations should be explicitly identified and justified.

While the Financing Plan for Storage recognizes that "for certain groundwater storage projects, public funding may be appropriate to ensure implementation and local support", this does not go far enough. In order to fully comply with Area of Origin requirements, the Financing Plan must clarify that for certain Area of Origin projects, low interest loans and grants more akin to those identified for the Water Use Efficiency Program will be made available for the Storage Program as well.

WATER QUALITY PROGRAM PLAN (WQPP) APPENDIX

Chapter 3 – Drinking Water Quality

The discussion on Page 3-8 suggests that implementation of portions of the CALFED Ecosystem Restoration Program, particularly the creation of wetlands, could change the salinity outflow characteristics and reduce the amount of fresh water available to repel salinity which would have an adverse impact on drinking water quality. However, there is no recognition of this problem in the priority actions for the San Joaquin River. The only action to improve drinking water quality is the establishment of a watershed plan similar to the Sacramento River watershed program. Adverse impacts caused by implementation of other program elements must be evaluated and mitigated or cannot be pursued.

Furthermore, the Draft PEIS/EIR contains insufficient analysis of the adverse impacts on water quality caused by implementation of some of the Ecosystem Restoration Program elements. The WQPP recognizes that the San Joaquin River already has the most heavily concentrated sources of salinity, thus, implementation of the Ecosystem Restoration actions that may have an adverse affect on water quality must be thoroughly analyzed and the true impacts disclosed and mitigated. If mitigation is not feasible, then those Ecosystem Restoration actions cannot be implemented.

Chapter 7 – Salinity

On page 7-7, the WQPP recognizes that where water conservation measures (such as on-farm recycling) are used, surface agricultural runoff will, in general, be more saline than in areas not using recycling. The resulting affect is that a lower volume of water may be discharged through the use of conservation and recycling measures and that water, both surface and subsurface drainage, will have elevated salt concentrations. Under approaches to solution, a number of the priority actions involve reducing the amount of drainage water entering the San Joaquin River, such as, source control and drainage reduction, reuse, and integrated on-farm drainage management. However, there is no discussion in any of these sections of how the impacts of increased salinity concentration levels in the surface and subsurface drainage water will impact the San Joaquin River. In particular, how will the increased salinity concentrations impact the ability to achieve the Vernalis water quality standard? Will additional releases of water be needed from New Melones to meet the Vernalis standard?

There are several references to CALFED's support of the Central Valley Region, Regional Water Quality Control Board's establishment of water quality objectives upstream of Vernalis, development and implementation of BMPs, development of TMDLs, and financial incentives for salt control. While SEWD applauds this support, CALFED, in its recommendations on Basin Plan actions, does not include establishment of water quality objectives as a recommended action. CALFED must require this as part of the Stage 1 actions to address the salt problem in the San Joaquin River. More importantly, CALFED must provide the requisite funding to see that these actions are implemented because without solving the salinity problem in the San Joaquin River, there will be no comprehensive solution or "fix" to the Delta.

Under the Basinwide priority actions, there is a discussion of utilizing real-time management to actively manage the assimilative capacity of the San Joaquin River. SEWD supports the concept of real-time management that would coordinate the existing reservoir releases for fish flows with existing discharges of salt resulting in a reduction of reservoir releases needed explicitly to provide dilution flows. However, to the extent that this is simply shifting the time in which salts are discharged, which would result in increased concentrations of salt during other periods of time, it has no net beneficial affect and should not be pursued. Instead of expending vast amounts of resources to coordinate such action, resources should be spent on actions that result in net reductions in salts being discharged to the San Joaquin River.

SEWD is also concerned with the WQPP's failure to address a long-term solution to San Joaquin River water quality. If the goal of the CALFED Bay-Delta program is to truly restore and fix the Bay-Delta estuary, CALFED must work to find a long term solution to the water quality problem in the San Joaquin River. CALFED should not arbitrarily drop from consideration construction of an out of valley drain to the ocean simply because it is

controversial. CALFED must take an aggressive leadership role in ensuring that a long term solution is developed and implemented.

Chapter 12 – Implementation Strategy

This chapter sets forth the strategy for implementation of the Water Quality Program. Unfortunately, this strategy does not make salinity a high priority, and does not propose timely actions for salinity reduction in the San Joaquin River. Instead, Table 4, which defines the Stage 1 actions, proposes a series of studies, programs and plans. There is no need for development of another "management plan" to reduce drainage and salt load to the San Joaquin River: numerous plans currently exist, and CALFED must identify and implement the best of those plans in the near term.

More importantly, there is no mention of CALFED's support of the Regional Board's establishment of water quality objectives upstream of Vernalis, development and implementation of BMPs, development of TMDLs, and financial incentives for salt control. These specific actions must be included in the early implementation and Stage 1 actions. Without such actions, there will be no short or long term solution to the water quality problem in the San Joaquin.

ECOSYSTEM RESTORATION PROGRAM PLAN APPENDIX

Over the course of the past five years, SEWD and its consultants have submitted numerous comments on the Ecosystem Restoration Program Plan (ERP). Because our previous comments have been largely ignored, we incorporate them by reference and would like to see the answers to the questions set forth therein.

Generally speaking, one of the stated goals of the ERP is "restoring instream flows through increased storage or voluntary purchases." The instream flow goals established in the ERP have been taken largely from the Anadromous Fish Restoration Plan Draft Working Paper developed by the United States Fish and Wildlife Service. These flows were not developed through scientific review, and, as acknowledged by the Service, these flows have not been determined to be "reasonable." As such, they have no place in the ERP.

CALFED has responded to our expressed concerns by stating that the flow goals in the ERP will only be implemented through increased yield or voluntary purchases. However, CALFED staff misses the point. Once flow targets have been "adopted" by an agency or published in a document, they somehow become official goals. They are then cited by environmental groups and others who desire to increase flows in Central Valley streams. Because the ERP will carry the weight of the CALFED program, it will be incumbent upon water users to then develop science to counter the published flow goals, when the burden to develop science should be on the drafters of the ERP.

Despite our previous comments, the ERP contains alarming proposals. The proposed action items on the Stanislaus and Calaveras Rivers are not supported by scientific data, and their inclusion would appear to contravene CALFED's policies and goals. In order to "fix" the Bay-Delta system, realistic goals must be identified that are scientifically supported. As you know, the Calaveras River is SEWD's main source of surface water. Implementation of actions proposed in the ERP for the Calaveras River would devastate the economy in San Joaquin County, without evidence that the actions are scientifically supported or needed.

The Ecosystem plan identifies increased water supply strategies for the Calaveras River in order to develop supplemental water for fish. These proposed strategies to increase water supply on the Calaveras River have already been identified for increased supply to San Joaquin County, and many are being implemented by Stockton East Water District. Competition from CALFED for water for fish restoration projects is inappropriate when that same water is needed and being relied on for water supply for San Joaquin County residents.

CONCLUSION

We would like to thank you in advance for considering these comments and look forward to reviewing the revised PEIS/EIR. Should you have any questions, please feel free to contact me.

Very truly yours,

KARNA E. HARRIGFELD
Attorney-at-Law

KEH:des

cc: Mr. Kevin Kauffman, Stockton East Water District
Congressman Richard Pombo
Senate Select Committee on CALFED Bay-Delta Program
Assemblyman Michael Machado
Senator Patrick Johnston
Jim Nickles, The Record